

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5342 of 2025**

Arising Out of PS. Case No.-80 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Chhotu Yadav @ Purshottam Yadav S/o Ramrati Yadav @ Ramratti Yadav  
R/o Village- Latra, P.S.- Gopalpur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

4      11-04-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Naugachiya P.S. Case No. 80 of 2024 instituted for the offences under Sections 302, 387, 34 of the Indian Penal Code and 27 of the Arms Act.

3. Prosecution case, in short, is that the accused persons including the petitioner committed the murder of the informant's son for non-fulfillment of demand of extortion money. It is alleged that three persons fired upon the informant's son as a result of which he succumbed to injury.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case.



Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of confessional statement of the co-accused Rahul Yadav. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that during investigation, not a single witness has supported the allegation of demand of money by the petitioner and no direct or cogent material has come against the petitioner in order to implicate him in the present case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.05.2024 and has twenty criminal antecedents. The co-accused person has already been granted bail by this Bench vide order dated 21.09.2024 passed in Cr. Misc. No. 50298 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of Court below/concerned Court in connection with Naugachiya P.S. Case No. 80 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) Petitioner shall not leave the territorial jurisdiction of this Court without the prior permission of learned court below. If petitioner violates this condition, the prosecution will be at liberty to move for cancellation of bail.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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